

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application No. : 10/757,151
Confirmation No. : 3165
Applicants : Michael P. Casey et al.
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Title: : Gaming Machine Having A Shuffle Feature And
A Simultaneous Multiple Award Feature
TC/A.U. : 3714
Examiner : Andrew Kim
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Customer No. : 70243

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Commissioner for Patents
Alexandria, Virginia 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

A. IDENTIFICATION PAGE

Dear Commissioner:

This Appeal Brief relates to U.S. Serial No. 10/757,151 (U.S. Publication No. 2005/0153769, attached as Ex. A) (“Casey”) and is filed pursuant to the Notice of Panel Decision from Pre-Appeal Brief Review dated February 10, 2009 (Ex. B) (“the Notice of Panel Decision”). The panel has determined that the Applicants should proceed to the Board of Patent Appeals and Interferences, wherein the panel has determined the status of claims 22, 24, 26-33, 36-43, and 46-48 to be rejected.

The due date for this Appeal Brief is one month from the mailing of the Notice of Panel Decision or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. This Appeal Brief is being filed within a month from the mailing of the Notice of Panel Decision, *i.e.*, by March 10, 2009.

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C. REAL PARTY IN INTEREST

The real party in interest is WMS Gaming Inc., having a place of business at 800 South Northpoint Boulevard, Waukegan, Illinois 60085.

D. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board of Patent Appeals and Interferences in the present appeal.

E. STATUS OF CLAIMS

Claims 22, 24, 26-33, 36-43, and 46-48 are currently pending and are finally rejected. This appeal is taken from the Notice of Panel Decision rejecting the pending claims. Ex. B. No claims have been allowed.

F. STATUS OF AMENDMENTS

No amendments were submitted subsequent to the Final Office Action dated February 7, 2008 (Ex. C).

G. SUMMARY OF CLAIMED SUBJECT MATTER

Pursuant to 37 C.F.R. § 41.37 (c)(1)(v), exemplary references to the specification and to the drawings and reference characters are included in the below summary of the independent claims. Such references are by way of example only and are not to be construed in a limiting manner.

Claims 22, 33, and 43 are the independent claims within the pending claim set. All three of the independent claims relate generally to a wagering game that includes a simultaneous multiple award feature in which a “player has an opportunity to win simultaneous multiple awards after successive tile selections of two or more matching groups of related game-theme icons and a wild icon associated [with] the respective tile selections. Ex. A, ¶ 0049. Independent claims 22, 33, and 43 can be best understood in light of FIGs. 4 and 18 of the present application (Ex. A).

Independent Claim 22

Claim 22 is directed to a method of conducting a wagering game on a gaming machine 10 controlled by a controller 200 in response to a wager. Ex. A, ¶¶ 0020, 0028-0029; FIGs. 1 and 2. The method includes displaying on a display device 601 of the gaming machine 10, an assemblage of selectable tiles 650 that conceal an associated plurality of icons, the plurality of icons including a plurality of game-theme icons (*e.g.*, “Gene,” “Debbie,” and “Donald”) and a wild icon 657. *Id.* at ¶ 0055; FIG. 18.

The method further includes receiving successive selections of the tiles and selectively revealing a first group of related game-theme icons associated with the selected tiles. *Id.* at ¶ 0056. The first group includes at least two first tiles 651, 654 from the assemblage of selectable tiles 650, each of the first tiles 651, 654 having a first game-theme icon (“Gene”), the first game-

theme icon (“Gene”) from one 651 of the first tiles 651, 654 matching the first game-theme icon (“Gene”) from another one 654 of the first tiles 651, 654. *Id.* at ¶ 0057; FIG. 18.

The method also includes selectively revealing a second group of related game-theme icons associated with the selected tiles, the second group being different from the first group. *Id.* at ¶ 0058; FIG. 18. The second group includes at least two second tiles 652, 655 from the assemblage of selectable tiles 650, each of the second tiles 652, 655 having a second game-theme icon (“Debbie”), the second game-theme icon (“Debbie”) from one 652 of the second tiles 652, 655 matching the second game-theme icon (“Debbie”) from another one 655 of the second two tiles 652, 655. *Id.*

The method also includes selectively revealing the wild icon 657 associated with the selected tiles after revealing the first group and the second group. *Id.* at FIG. 18. In response to revealing the wild icon 657, a first award 661 (*e.g.*, 20 free spins) is simultaneously awarded with a second award 662 (*e.g.*, 15 free spins). *Id.* at ¶ 0058; FIG. 18. The first award 661 is based on the at least two first tiles 651, 654 of the first group, and the second award 662 is based on the at least two second tiles 652, 655 of the second group. *Id.*

Independent Claim 33

Claim 33 is directed to a gaming machine 10 controlled by a controller 200 in response to a wager, the gaming machine comprising a simultaneous multiple award feature indicated on a display device 601. Ex. A, ¶¶ 0020, 0028-0029; FIGs. 1-2, 18.

The display device 601 initially displays an assemblage of selectable tiles 650 that conceal a plurality of icons (*e.g.*, “Gene,” “Debbie,” and “Donald”), the tiles being successively selected revealing a first group of related game-theme icons (*e.g.*, “Gene”), a second group of

related game-theme icons (*e.g.*, “Debbie”) and a wild icon 657 after revealing the first group and the second group. *Id.* at ¶ 0055-0058; FIG. 18.

The first group including at least two tiles 651, 654 from the assemblage of selectable tiles 650, each of the two first tiles 651, 654 having a first game-theme icon (“Gene”), the first game-theme icon (“Gene”) from one 651 of the first tiles 651, 654 matching the first game-theme icon (“Gene”) from another one 654 of the first tiles 651, 654. *Id.* at ¶ 0057; FIG. 18.

The second group includes at least two second tiles 652, 655 from the assemblage of selectable tiles 650, each of the second tiles 652, 655 having a second game-theme icon (“Debbie”), the second game-theme icon (“Debbie”) from one 652 of the second tiles 652, 655 matching the second game-theme icon (“Debbie”) from another one 655 of the second two tiles 652, 655. *Id.* at ¶ 0058; FIG. 18.

In response to revealing the wild icon 657, the simultaneous multiple award feature simultaneously awards a first award 661 (*e.g.*, 20 free spins) based upon the first group and a second award 662 (*e.g.*, 15 free spins) based upon the second group. *Id.* at ¶ 0058; FIG. 18. The first award 661 is based on the at least two first tiles 651, 654 of the first group, and the second award 662 is based on the at least two second tiles 652, 655 of the second group. *Id.*

Independent Claim 43

Claim 43 is directed to a simultaneous multiple award feature for a gaming machine 10 controlled by a controller 200, the simultaneous multiple award feature being indicated on a display device 6010. *Ex. A*, ¶¶ 0020, 0028-0029; FIGs. 1-2, 18.

The simultaneous multiple award feature includes a player selection stage in which an assemblage of selectable tiles 650 conceal a plurality of icons (*e.g.*, “Gene,” “Debbie,” and

“Donald”), the tiles being successively selected to reveal respective icons until a tile revealing a wild icon 657 is selected that produces a multiple award outcome. *Id.* at ¶ 0055-0058; FIG. 18.

The player selection stage includes selectively selecting a first group of tiles and a second group of tiles, the first group including at least two first tiles 651, 654 from the assemblage of selectable tiles 650, each of the first tiles 651, 654 having a first game-theme icon (*e.g.*, “Gene”). The first game-theme icon (“Gene”) from one 651 of the first tiles 651, 654 matches the first game-theme icon (“Gene”) from another one 654 of the first tiles 651, 654. *Id.* at ¶ 0057; FIG. 18.

The second group includes at least two second tiles 652, 655 from the assemblage of selectable tiles 650, each of the second tiles 652, 655 having a second game-theme icon (“Debbie”), the second game-theme icon (“Debbie”) from one 652 of the second tiles 652, 655 matching the second game-theme icon (“Debbie”) from another one 655 of the second two tiles 652, 655. *Id.* at ¶ 0058; FIG. 18.

In response to revealing the wild icon 657, the multiple award outcome is simultaneously awarded and includes a first award 661 (*e.g.*, 20 free spins) and a second award 662 (*e.g.*, 15 free spins), the first award 661 being based on the at least two first tiles 651, 654 of the first group, the second award 662 being based on the at least two second tiles 652, 655 of the second group. *Id.* at ¶ 0058; FIG. 18.

A bonus stage is triggered by the multiple award outcome, each award 661, 662 of the multiple award outcome generated in the player selection stage earning the player an opportunity to win a respective bonus in the bonus stage. *Id.* at ¶¶ 0059-0061.

H. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 22, 26-27, 29-33, 36-39, 41-43, and 47-48 were improperly rejected under 35 U.S.C. § 102 as being anticipated by Gilmore (U.S. Patent No. 6,347,996, attached as Ex. D).
2. Whether claim 24 was improperly rejected under 35 U.S.C. § 103 as being obvious over Gilmore in view of Schneider (U.S. Patent No. 6,089,976, attached as Ex. E).

I. ARGUMENT

1. THE REJECTION UNDER 35 U.S.C. § 102 IN VIEW OF GILMORE

a. THE BACKGROUND OF THIS PENDING APPLICATION

I. First Office Action

All the independent claims were rejected in a first Office Action, dated July 9, 2007 (attached as Ex. F), as allegedly being anticipated by U.S. Patent No. 6,015,346 to Bennett (“Bennett”) (attached as Ex. G). Bennett merely teaches that a player can receive an award if a single pair of matching cards is revealed, wherein the award is equal in amount to the value of the matching cards. Ex. G. For example, referring to FIG. 3 of Bennett, a player would have received an award of \$10 (card 41) if card 48 would have revealed “\$10” instead of “\$50”. Alternatively, a “Wild” symbol on card 48 would have also resulted in an award of “10”. To advance prosecution, the Applicants submitted proposed claim amendments in September, 2007, to further distinguish the pending claims from Bennett. Response to First Office Action, Ex. H.

A personal interview was conducted with Examiner John Hotaling and Examiner Andrew Kim on October 18, 2007. Interview Summary, Ex. I. One topic of discussion during the interview generally focused on clarifying that the claims were directed to awarding multiple awards if a wild icon was revealed subsequent to revealing two different pairs of game-theme icons. *Id.* The Applicants’ representatives referred to FIG. 18 of the pending application to more clearly explain one exemplary embodiment. Specifically, the exemplary embodiment shows a first group of tiles 651, 654 having a matching first game-theme icon “Gene” and a second group of tiles 652, 655 having a matching second game-theme icon “Debbie.” Only after the revealing of these two groups of tiles (each having its own matching game-theme icon), and the revealing of a wild icon (*e.g.*, tile 657), will the player receive the multiple awards (*e.g.*, 20 free spins for the “Gene” pair and 15 free spins for the “Debbie” pair).

Pursuant to the interview discussions, the Applicants filed a Response to the Office Action on October 29, 2007. Ex. H. In the Response, the Applicants amended the independent claims to further clarify that multiple awards are awarded in response to revealing a wild icon subsequent to revealing two pairs of game-theme icons, each pair including its own matching game-theme icons (e.g., first tiles having a “Gene” game-theme icon and second tiles having a “Debbie” game-theme icon).

II. Final Office Action

In the Final Office Action, agreeing that Bennett fails to disclose the pending claims, all the independent claims were instead rejected based on Gilmore (which is assigned to WMS Gaming, Inc., the same assignee as the pending application). Ex. C. Gilmore generally discloses a game in which a portion of a map, which is initially concealed by a plurality of tiles, is revealed upon the player selecting 3 matching tiles. Ex. D. For example, referring to FIG. 6, if the player selects two more “moose head” tiles to match them to the revealed “moose head tile” on the screen, the corresponding map portion will be revealed. *Id.* Optionally, revealing a “Wild” tile subsequent to the revealing of a pair of matching tiles, will automatically select the third matching tile. *Id.*

The Applicants filed a Response to the Final Office Action on May 6, 2008. Ex. J. In this Response, the Applicants respectfully noted that Gilmore does not appear to provide any more support to the rejections than Bennett. *Id.* The “Wild” tile matching of Gilmore is only directed to a single group of tiles, and it closely resembles Bennett’s game in which a wild symbol was selected as one of a single pair of cards. *Id.* In contrast to both Gilmore and Bennett, the pending claims are directed to matching a wild icon with tiles of at least two groups of game-theme icons. *Id.* None of Gilmore and Bennett discloses awarding simultaneous awards based on two different groups of tiles in response to revealing a wild icon. *Id.*

III. Advisory Action

An Advisory Action, dated May 22, 2008, stated that the request for reconsideration does not place the application in condition. Ex. K. As explained in more detail below, the reasoning of the Advisory Action confuses claim elements and it is not supported by Gilmore.

b. CLAIMS 22, 26-27, 29-33, 36-39, 41-43, and 47-48

I. The Claimed Two Groups Of Game-Theme Icons Are Different

The Advisory Action alleges that

... the two groups of the instant application are not claimed as such that the two groups are entirely different. That is, it has been interpreted that one or more tiles of one group may be a tile(s) for another group. Say there are 4 tiles: 1, 2, 3, 4. 1, 2 and 3 (group B) are matching tiles and 4 is the wild. Player picks tiles 1 and 2 (group A). Then the player picks tile 4 (the wild) which reveals tile 3 (which completes group B) and uncovers the picture from underneath all 4 tiles (simultaneous award).

Ex. K (emphasis added). The claim language of each of the independent claims is clear that the two groups are different. In fact, claim 22 actually includes specific claim language stating that **“the second group [is] different from the first group.”** In view of this clear language, the allegation that the two groups are “not claimed as such that the two groups are entirely different” is entirely without merit.

Furthermore, each of the independent claims (as amended based on conversations with the Examiners) further provides details to clarify that the matching game-theme icons of a first group of tiles are different than the matching game-theme icons of a second group. For ease of understanding, relevant claim elements are generally described below by referring to FIG. 18 of the pending application:

- a first group of tiles having at least two first tiles (*e.g.*, tiles 651 and 654)

- each of the first tiles having a first game-theme icon (*e.g.*, “Gene”)
- the first game-theme icons are matching (*e.g.*, “Gene”) icons
- a second group of tiles having at least two second tiles (*e.g.*, tiles 652 and 655)
 - each of the second tiles having a second game-theme icon (*e.g.*, “Debbie”)
 - the second game-theme icons are matching (*e.g.*, “Debbie”) icons

In its example, the Advisory Action assumes that tiles 1 and 2 can be part of both group A and group B. However, the claim elements of the pending claims are clear that the tiles of one group cannot be part of another group (*i.e.*, “each of the first tiles having a first game-theme icon, the first game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles” and “each of the second tiles having a second game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles”). For example, tiles 651 and 654 having the “Gene” icon can only be part of one group (*e.g.*, the “Gene” icon group), and tiles 652 and 655 can only be part of another group (*e.g.*, the “Debbie” icon group). Based on the reasoning of the Advisory Action, for example, the “Gene” tiles 651 and 654 can be part of both the “Gene” icon group and the “Debbie icon group. Clearly, the claim language does not allow this interpretation.

As explained earlier, Gilmore (similar to Bennett) only discloses that the “Wild” tile can match a single group of tiles. Thus, Gilmore cannot support the allegation of the Advisory Action that a pair of tiles can belong to two different groups.

Moreover, it is difficult to understand how the argument that a pair of tiles can belong to two different groups is applicable to the pending claims. The pending claims are clearly drafted such that a pair of tiles can only belong to one group.

II. Revealing Of Map Is Not An Award

The Advisory Action also alleges that the picture from underneath all 4 tiles is a “simultaneous award.” Apparently, the Advisory Action is confusing the revealing of a portion of the map (which corresponds with a respective matching tile) to an award. Thus, according to the Advisory Action, revealing two portions of the map would correspond to two awards. The comparison of awards to revealing map portions is incorrect.

The pending claims are generally directed the simultaneous awarding of a first award (based on the first tiles of the first group) and a second award (based on the second tiles of the second group). For example, claim 22 is directed to “simultaneously awarding a first award and a second award.” According to one exemplary embodiment of the pending application shown in FIG. 18, a first award can be 20 free spins (based on the “Gene” tiles 651 and 654) and a second award can be 15 free spins (based on the “Debbie” tiles 652 and 655). Ex. A. Furthermore, claim 28 clarifies that the award can be a number of free reel spins and claim 32 clarifies that the award can be a credit amount.

Gilmore’s examples of awards are consistent with the examples of the pending application. For example, Gilmore discloses that “the bonus feature could award a bonus for a particular mining spot on the mining map only if that mining spot is revealed upon removal of one of the matches.” Ex. D, col. 5, ll. 23-25 (emphasis added). Gilmore does not refer to the revealing of the map as being an award, but to the bonus being an award. The bonus, for example, can be “a nominal bonus ranging from 10 to 200 times the player’s line bet.” Ex. D, col. 4, ll. 50-53. In another example, Gilmore discloses that a “pick is rewarded each time three matching tiles are selected.” Ex. D, col. 4, ll. 23-24. None of these examples refer to awarding the player by revealing the map.

Thus, the revealing of the map is not the same as the revealing of an award. Gilmore, as well as the pending application, does not support this type of interpretation.

c. CLAIMS 29, 41, AND 47

Claims 29, 41, and 47 are each directed to “multiplying a credit amount associated with a winning outcome.” The Final Office Action had completely failed to address any elements of these claims. Ex. C. To correct this mishap, the Advisory Action has alleged that Gilmore discloses these claims at “col. 4, lines 1-5” and “col. 4 and 6.” Ex. K.

A review of Gilmore’s “col. 4, lines 1-5,” for example shows that it discloses a “multiplier of 3, 5, or 7 times the player’s total bet” Ex. D (emphasis added). Similarly, Gilmore also discloses that “the player had five selections and was awarded respective bonuses of 50 times the line bet, 100 times the line bet, 100 times the line bet, 100 times the line bet, and 300 times the line bet.” *Id.*, col. 4, ll. 63-67 (emphasis added). Providing a multiplier of a player’s bet (disclosed in Gilmore at col. 4, lines 1-5) is not the same thing as multiplying a credit amount associated with a winning outcome (as claimed in claim 29).

Thus, the Applicants respectfully submit that claims 29, 41, and 47 are not anticipated by Gilmore at least for the reasons stated above.

d. CLAIMS 31 AND 39

Claims 31 and 39 are directed to a “transmissive display configured to overlay the assemblage of selectable tiles upon a portion of the plurality of electro-mechanical reels.” The Final Office Action had completely failed to address any elements of these claims. Ex. C. To correct this mishap, the Advisory Action has alleged that Gilmore discloses the claims at “col. 2” Ex. K.

A review of Gilmore's "col. 2" did not identify any disclosure of a "transmissive" display that is "configured to overlay the assemblage of selectable tiles upon a portion of the plurality of electro-mechanical reels." Ex. D. Thus, the Applicants respectfully submit that claims 31 and 39 are not anticipated by Gilmore at least for the reasons stated above.

2. THE REJECTION OF CLAIM 24 UNDER 35 U.S.C. § 103 OVER GILMORE IN VIEW OF SCHNEIDER

The claimed method of claim 24 is directed to "displaying a legend adjacent to the assemblage of selectable tiles, the legend displaying a plurality of matches and respective awards." For example, according to one exemplary embodiment, a legend 660 is shown in FIG. 10 of the current specification. Ex. A

The Final Office Action alleges that "Schneider teaches having a pay table to provide the player with the winnings (Schneider, col. 3:19) and credit meter 42 (Schneider, col. 4:62)." Ex. C. However, when referring to the disclosure cited in support of the rejections, it is clear that the cited disclosure fails to support the rejections. Specifically, the cited disclosure states the following:

More specifically, a player places a wager and plays a primary game having a resultant outcome which is compared to winning combinations on a pay table," (Schneider, col. 3, ll. 17-19) (emphasis added).
"The matching amount remaining on the video screen is correlative to the final bonus award added to a credit meter 42 or directly paid to the player.

Ex. E, col. 4, ll. 60-63 (emphasis added). Nowhere does Schneider teach or suggest that a legend should be a) displayed, that the legend should be displayed b) adjacent to the assemblage of tiles, and that the legend should display c) a plurality of matches. All these elements are simply inferred based on the fact that Schneider mentions a pay table and a credit meter.

The Advisory Action attempts to counter the above arguments alleging that the “legend is adjacent to some of the tiles, in fig. 4 and 5” and that the “revealed tiles have the award displayed on the tile.” Ex. K. Referring, for example, to FIG. 4 of Schneider, it is clear that a revealed award of “12 coins” is not the same thing as disclosing a legend. Ex. E. It appears that the Advisory Action is simply confusing a “legend” with a “revealed award.” Nevertheless, Schneider fails to disclose the claimed legend of claim 24.

Thus, the Applicants respectfully submit that claim 24 is patentable over the cited art at least for the reasons discussed above.

J. CLAIMS APPENDIX

A clean copy of the pending claims 22, 24, 26-33, 36-43, and 46-48, involved in the appeal, is provided below.

22. A method of conducting a wagering game on a gaming machine controlled by a controller in response to a wager, the method comprising:

displaying on a display device of the gaming machine, an assemblage of selectable tiles

that conceal an associated plurality of icons, the plurality of icons including a plurality of game-theme icons and a wild icon;

receiving successive selections of the tiles;

selectively revealing a first group of related game-theme icons associated with the

selected tiles, the first group including at least two first tiles from the assemblage of selectable tiles, each of the first tiles having a first game-theme icon, the first game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles;

selectively revealing a second group of related game-theme icons associated with the selected tiles, the second group being different from the first group, the second group including at least two second tiles from the assemblage of selectable tiles, each of the second tiles having a second game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles;

selectively revealing the wild icon associated with the selected tiles after revealing the first group and the second group; and

in response to revealing the wild icon, simultaneously awarding a first award and a second award, the first award being based on the at least two first tiles of the first group, the second award being based on the at least two second tiles of the second group.

24. The method of claim 23, further including displaying a legend adjacent to the assemblage of selectable tiles, the legend displaying a plurality of matches and respective awards, each of the plurality of matches including a plurality of related game-theme icons.

26. The method of claim 22, further including displaying a base wagering game including a plurality of possible randomly-selected outcomes, at least one of the possible outcomes being a bonus game triggering event causing the assemblage of selectable tiles to be displayed.

27. The method of claim 26, wherein the base wagering game includes a plurality of symbol-bearing reels that are rotated and stopped to place symbols on the reels in a reel symbol array, and wherein the bonus game triggering event includes a predetermined arrangement of selected symbols on the stopped reels.

28. The method of claim 27, wherein the first award comprises a first number of free reel spins, and wherein the second award comprises a second number of free reel spins.

29. The method of claim 28, further comprising multiplying a credit amount associated with a winning outcome of at least one of the first number of free reel spins by a first randomly

generated number, and multiplying a credit amount associated with a winning outcome of at least one of the second number of free spins by a second randomly generated number.

30. The method of claim 22, wherein the gaming machine comprises a video slot machine, and wherein displaying the assemblage of selectable tiles includes displaying a video generated assemblage of selectable tiles.

31. The method of claim 22, wherein the gaming machine comprises an adaptable mechanical spinning reel slot machine including a plurality of electro-mechanical reels having a plurality of reels symbols displayed thereon, and wherein displaying the assemblage of selectable tiles includes displaying a video generated assemblage of selectable tiles provided by a flat panel transmissive display configured to overlay the assemblage of selectable tiles upon a portion of the plurality of electro-mechanical reels.

32. The method of claim 22, wherein the first award comprises a first credit amount, and wherein the second award comprises a second credit amount.

33. A gaming machine controlled by a controller in response to a wager, the gaming machine comprising a simultaneous multiple award feature indicated on a display device, the display device initially displaying an assemblage of selectable tiles that conceal a plurality of icons, the tiles being successively selected revealing a first group of related game-theme icons and revealing a second group of related game-theme icons and revealing a wild icon after revealing the first group and the second group, the first group including at least two tiles from the assemblage of selectable tiles, each of the two first tiles having a first game-theme icon, the first

game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles, the second group including at least two second tiles from the assemblage of selectable tiles, each of the second tiles having a second game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles, in response to revealing the wild icon, the simultaneous multiple award feature simultaneously awarding a first award based upon the first group and awarding a second award based upon the second group, the first award being based on the at least two first tiles of the first group, the second award being based on the at least two second tiles of the second group.

36. The gaming machine of claim 33, wherein the display device comprises a video display.

37. The gaming machine of claim 33, further comprising a base wagering game including a plurality of possible base wagering game outcomes, at least one of the plurality of possible base wagering game outcomes being an event triggering the assemblage of selectable tiles to be displayed.

38. (Original) The gaming machine of claim 37, wherein the gaming machine comprises a slot machine having a plurality of symbol-bearing reels that are rotated and stopped to place symbols on the reels in a symbol array, and wherein the event includes a predetermined arrangement of selected symbols on the stopped reels.

39. (Original) The gaming machine of claim 38, wherein the plurality of symbol-bearing reels comprises a plurality of electro-mechanical symbol-bearing reels, and wherein the display

device comprises a flat panel transmissive display configured to overlay the assemblage of selectable tiles upon a portion of the plurality of electro-mechanical symbol-bearing reels.

40. The gaming machine of claim 38, wherein the first award comprises a first number of free reel spins, and wherein the second award comprises a second number of free reel spins.

41. The gaming machine of claim 40, further comprising multiplying a credit amount associated with a winning outcome of at least one of the first number of free reel spins and at least one of the second number of free spins by a randomly generated number.

42. The gaming machine of claim 33, wherein the assemblage of selectable tiles is arranged as a matrix having multiple rows and columns.

43. A simultaneous multiple award feature for a gaming machine controlled by a controller, the simultaneous multiple award feature being indicated on a display device, the simultaneous multiple award feature comprising a:

a player selection stage including an assemblage of selectable tiles that conceal a plurality of icons, the tiles being successively selected to reveal respective icons until a tile revealing a wild icon is selected that produces a multiple award outcome, the player selection stage including selectively selecting a first group of tiles and a second group of tiles, the first group including at least two first tiles from the assemblage of selectable tiles, each of the first tiles having a first game-theme icon, the first game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles, the second group

including at least two second tiles from the assemblage of selectable tiles, each of the second tiles having a second game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles, in response to revealing the wild icon, simultaneously awarding the multiple award outcome including a first award and a second award, the first award being based on the at least two first tiles of the first group, the second award being based on the at least two second tiles of the second group; and

a bonus stage triggered by the multiple award outcome, each award of the multiple award outcome generated in the player selection stage earning the player an opportunity to win a respective bonus in the bonus stage.

46. The simultaneous multiple award feature of claim 43, wherein each award is associated with a predetermined number of free spins of reels of a slot gaming machine.

47. The simultaneous multiple award feature of claim 46, further comprising multiplying a credit amount associated with a winning outcome of at least one of the predetermined number of free spins by a randomly generated number.

48. The simultaneous multiple award feature of claim 43, wherein the display device comprises a video display.

K. EVIDENCE APPENDIX

A copy of the evidence relied upon by the Appellant and where in the record of evidence it was entered is listed below.

U.S. Publication No. 2005/0153769 (Casey)	A
Notice of Panel Decision from Pre-Appeal Brief Review	B
Final Office Action dated February 7, 2008	C
U.S. Patent No. 6,347,996 (Gilmore)	D
U.S. Patent No. 6,089,976 (Schneider)	E
First Office Action dated July 9, 2007	F
U.S. Patent No. 6,015,346 (Bennett)	G
Response to First Office Action filed October 29, 2007	H
Interview Summary of October 18, 2007	I
Response to Final Office Action filed May 6, 2008	J
Advisory Action dated May 22, 2008	K

L. RELATED PROCEEDINGS APPENDIX

As there are no related proceedings, no information is provided in the Related Proceedings Appendix.

M. CONCLUSION

For at least the foregoing reasons, the rejection of appealed claims 22, 24, 26-33, 36-43, and 46-48 set forth in the Final Office Action dated February 7, 2008, should be reversed.

Respectfully submitted,

Date: March 6, 2009

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